

Kramer Levin



Michael Cohen
Associate
T 212.715.9230
F 212.715.8000
mcohen@kramerlevin.com

1177 Avenue of the Americas
New York, NY 10036
T 212.715.9100
F 212.715.8000

March 20, 2020

Honorable Judith C. McCarthy
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: Holland v. Matos et al., No. 18 Civ. 06697 (KMK)(JCM)

Dear Judge McCarthy:

We write in response to Plaintiff's letter of March 19, 2020. (ECF No. 66). Following the telephonic court conference on February 3, 2020, Defendants produced 7,875 pages of documents to Plaintiff. These documents were produced by the March 3, 2020 deadline that Your Honor set for document discovery. We are aware that Plaintiff has been conducting third-party discovery as well.

Plaintiff complains that Defendants' production is incomplete. Yet Defendants have represented to Plaintiff's counsel repeatedly that the Defendants have produced all documents in their possession, custody, or control that are responsive to Plaintiff's requests.

Plaintiff also complains that Defendants produced "only portions of critical audio recordings" and other incomplete materials. Defendants produced all of the voice recordings in their custody, possession, or control that are responsive to Plaintiff's requests. Defendants did not carve out portions of audio recordings for production.

Part of Defendants' productions consisted of sales reports generated from Defendants' point-of-sale software platform for the period in question. Plaintiff's counsel and Defendants' counsel conferred following Defendants' production of those reports. During that discussion, Plaintiff's counsel requested that Defendants generate more detailed reports. Defendants agreed to do so and expects to produce those documents by March 25, 2020. Defendants also expect to produce tax filings responsive to Plaintiff's request, but cannot do so until after Defendants prepare the tax filings. Otherwise, Defendants believe they have completed production.

Honorable Judith C. McCarthy
March 20, 2020



We are happy to discuss further on the telephonic conference that Your Honor has scheduled for March 30, 2020, or at any other time.

Respectfully submitted,

/s/ Michael Cohen

Michael Cohen, Esq.

cc: All counsel of record (via ECF)